



AF
Zhu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	§	
Yue Heng Xu	§	Art Unit: 2174
	§	
Serial No.: 09/409,366	§	Examiner: Sy D. Luu
	§	
Filed: September 30, 1999	§	Atty Docket: ITL.0250US
	§	P7375
For: Using Two Electronic	§	
Programming Guides	§	Assignee: Intel Corporation
	§	

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

For the first time on appeal, the Examiner suggests the novel claim construction argument whereby the Examiner's interpretation of the preamble trumps the language of the body of the claim. Here, the body of the claim is explicit that two electronic programming guides must be provided that have different selections. The Examiner simply ignores that inconsistent language and, instead, relies on the preamble. Certainly, the preamble is not a limitation (see M.P.E.P. Section 2111.02) and it is not properly relied upon to broaden the language of the body of the claim. A preamble may not be used to broaden the claim. *In re Hirao*, 535 F.2d 67, 70, 190 U.S.P.Q. 15 (CCPA 1976).

The preamble suggests a method of implementing "an" electronic programming guide. If one accesses two programming guides, one still accesses an electronic programming guide even if one does so repeatedly and thereby accesses two electronic programming guides. Thus, it is submitted that there is nothing inconsistent between the preamble and the explicit wording of the claim itself.

Date of Deposit: December 7, 2006

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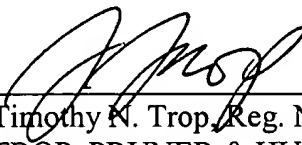
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Plainly, the Examiner concedes that the cited reference does not provide access to both a first and a second electronic programming guide, the first and second programming guides being specified to be different.

Therefore, the rejection should be reversed.

Respectfully submitted,

Date: December 7, 2006



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